



ESCL MASTER THESIS PRIZE 2014

JURY REPORT

The ESCL consists of 17 national construction law societies. One of the tasks of the ESCL is to promote knowledge of international construction law. Once a year, in that context, a conference is organized by one of the associated societies. Because of the great appreciation for education and research an annual Master Thesis Prize is created. This is the third year this prize has been awarded. This 6 (edited) theses were submitted.

The jury is chaired by the President of the ESCL who appoints two other members of the jury. The President of the ESCL is Professor Avv. Giovanni Iudica (*Professor of Civil Law at the Bocconi University of Milan*). He appointed Professor Dr. Benoît Kohl (*Professor, University of Liège and University of Paris II - Counsel, Stibbe Brussels*) and Professor Dr. Anthony P. Lavers (*Counsel, White & Case LLP, London - Visiting Professor of Law, Oxford Brookes University*) as jury members.

In assessing the scientific quality of the thesis, the jury evaluates the following aspects of the thesis: originality of the topic, approach/quality of analysis, approach/quality of presentation, interest to construction law and construction professions.

The First prize awarded will be € 2.500,- and the Second prize awarded will be with € 1.000,-.

The winner may be invited to submit a (modified) version of the thesis for publication to the editorial board of the International Construction Law Review to be considered for publication.

The jury has come to a decision on the First and Second prizes, based on a written assessment of the theses and a conference call discussion.



FIRST PRIZE

JULIAN CHRISTMANN

“HOW MUCH SCOPE REMAINS FOR THE LEGISLATURE IN REFORMING SEC. 651 OF THE GERMAN CIVIL CODE? – AN ANALYSIS IN LIGHT OF SUPRANATIONAL LAW.”

(Seminar paper on private construction law as a part of the study program:
Zusatzqualifikation Im Privaten Baurecht Philipps-Universität Marburg.)

IN GENERAL

This is a careful and scholarly treatment of an important relationship between EU and individual national jurisdictions, which will be of interest in Germany and beyond. It is a product of thorough research on the European Consumer Sales Directive.

ASSESSMENT BY CRITERION

Originality of the topic

Much has been written about the European Consumer Sales Directive and each jurisdiction has to consider its application to that context. The thesis concerns a profile of German domestic law, considered in the light of supranational legislation. The argument, which may seem of a purely domestic interest, is quite interesting for different legal experiences.

Approach/quality of analysis

The thesis achieves a good level of discussion and is coherent in its analysis. The analysis is conducted on a highly technical level, that the author succeeds in mastering.

Approach/quality of presentation

The presentation is concise and solid. It is well-presented throughout.

Interest to construction law and construction professions

The European Consumer Sales Directive is of interest throughout the EU and the individual application is of value. The research, while it concerns an issue of domestic law, is also of interest to other nations.



SECOND PRIZE

ANTONIS MEGREMIS

“ABNORMALLY LOW TENDERS: OBJECTIFYING DETECTION. WORKING TOWARDS ECONOMICALLY SUSTAINABLE PROCUREMENT THROUGH A FRAMEWORK FOR THE CONTRACTING AUTHORITY TO OBJECTIFY THE DETECTION OF ABNORMALLY LOW BIDS”

(MSc Thesis as a part of an MSc degree in Construction Management and Engineering, Delft University of Technology)

IN GENERAL

The author engages with a theme of great significance. Its legal analysis reveals an original approach (particularly interesting is the empirical approach to the survey) and leads to interesting conclusions, particularly useful to the European legislator.

ASSESSMENT BY CRITERION

Originality of the topic

The thesis deals with a theme of practical interest, which has great relevance at the macro level. Although the subject of low tendering is well known, there is insufficient research of this kind in the international domain. The choice of topic is therefore timely and the approach is interesting.

Approach/quality of analysis

The student had to confront the difficulty of taking a broad pan-European approach, with special reference to the Netherlands. The quality of comment is generally commendable. The analysis is carried out on a three-fold plan: normative, doctrinal and practical. The Jury finds particularly interesting the empirical approach to the survey, conducted through interviews.

Approach/quality of presentation

Clearly structured, with generally good use of diagrams. The research is well-presented, concise and solid.

Interest to construction law and construction professions

This is an important subject throughout the EU and beyond, especially at the legislative level. The results are likely to be of much interest for legislators.

Prof. Avv. Giovanni Iudica (Chairman), Prof. Dr. Benoît Kohl and Prof. Dr. Anthony P. Lavers

1st October 2014